HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.26377 OF 1995

DATE: 24th October 2006

Between:
A.P.S.E.Board Employees Union (Registered No.327),
Rep. by its Regional President Sri M.Satyanarayana,
son of Sri Mallaiah, aged 50 years resident of
Hyderabad.

... Petitioner.

And

A.P.S.E.Board, rep. by its Member/Secretary,
Vidyut Soudha, Hyderabad and 19 others.

... Respondents.

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ORDER:

This writ petition is filed questioning the proceedings in Memo.No.DP/DM.II/F2/987/90, dated 06.6.1992, of Andhra Pradesh State Electricity Board and for consequential direction declaring the action of the respondent-A.P.S.E.Board in issuing Memo.No.D.P./DMIII/XB/494/93-8, dated 15.5.1995, relaxing Regulation 16(a)(2) of Part-III of the A.P.S.E.B. Service Regulations, as bad.

2. The main grievance of the petitioner which is a registered union espousing the cause of Junior Assistants working in the erstwhile A.P.S.E.B is that by the impugned proceedings, the A.P.S.E.B, apart from converting the posts of Security Guards to that of Junior Assistants, granted relaxation of Regulation 16(a)(2)

which stipulated that every employee shall undergo probation for a minimum period of one year in a continuous period of two years. The plea of the union is that by this action of the A.P.S.E.B. the respondents 2 to 20 become seniors to the Junior Assistants who had been working as such from the beginning.

3. Having heard the learned counsel for the parties I am of the view that the writ petition is liable to be dismissed for two reasons viz.,

(1) By an order dated 04.8.2004 this Court dismissed the writ petition against respondents 2, 5, 6, 8, 9, 11, 12, 14, 16, 18 and 20. I am of the opinion that the petitioner who is employees union has challenged this writ petition as a matter of policy. The aforementioned respondents against whom the writ petition has been dismissed are also beneficiaries of the impugned policy apart from the other respondents against whom the writ petition still survives. In such a case it is not proper to allow the petitioner to pursue this writ petition only against one set of employees with respect to whom the writ petition survives and leaving the other set of employees against whom the writ petition is dismissed. In my view the cause in the writ petition is indivisible.

(2) Yet other reason for declining to grant the relief in the present writ petition is that it is not in dispute that under the provisions of A.P. Electricity Reforms Act, 1999, A.P. State Electricity Board has been divided into different companies. It is informed that the parties to this writ petition are working in different organizations created under the provisions of the said Act. Unless those organizations are made parties and allowed to defend the proceedings

impugned in the writ petition, the *lis* in the writ petition cannot be adjudicated.

4. Therefore, the writ petition is dismissed. However, it is left open to the Junior Assistants who are aggrieved by the proceedings of the respondents impugned in the present writ petition to file writ petitions in their individual capacities, if they are so advised, making appropriate companies in which the respondents 2 to 20 are working as parties to such writ petitions.

5. With these observations, the writ petition is dismissed. No costs.

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24.10.2006.

BSB